

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

AVERY OUTDOORS, LLC,

Plaintiff,

VS.

2:16-cv-02229-SHL

PEAK ROCK CAPITAL, LLC, *et al.*,

Defendants.

**MOTION OF AO LIQUIDATION TRUST, INC.
TO REMAND CASE AND TO AWARD ATTORNEYS' FEES AND COSTS**

COMES NOW Third-Party Defendant AO Liquidation Trust, Inc., formerly known as Avery Outdoors, Inc. ("Avery"), by and through counsel and pursuant to Rules 12(b)(1) and 28 U.S.C. § 1447(c), and moves this Honorable Court to remand this case to the Chancery Court of Shelby County, Tennessee, for lack of subject matter jurisdiction, based on diversity of citizenship and to exercise the Court's discretion to award Avery its attorneys' fees and costs incurred in defending the Third-Party Complaint filed by Defendants after removal.

WHEREFORE, Avery respectfully requests that this Honorable Court enter an Order granting this Motion, and authorizing Avery to present evidentiary support for an award of reasonable attorneys' fees and costs incurred in this action between May 1, 2017 and the date of any remand order, prior to the Court's entry of an Order remanding the case to the Shelby County Chancery Court.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed with the Court's ECF/CM system and should be served by means of the same upon:

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*Counsel for Defendants Peak Rock Capital
LLC and Outdoors Acquisition Co., LLC*

This the 28th day of June, 2018.

/s/ Edward M. Bearman